

# **CLARK COUNTY CLEAN WATER COMMISSION**

Wednesday, March 7, 2001  
6:00 – 8:30 PM

Clark County Public Works Department  
Conference Room  
4700 NE 78<sup>th</sup> Street  
Vancouver, Washington  
**Ammended**

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## **Call to Order**

### *Roll Call:*

#### Clark County Clean Water Commission Members Present

Willie Bourlet, Cal Ek, Dana Kemper, Susan Rasmussen,  
Don Steinke, and Art Stubbs

#### Clark County Clean Water Commission Members Excused Absence

Peter Tuck, and Mary Martin

#### Clark County Clean Water Commission Member Unexcused Absence

Robert Agard

#### Clark County Public Works Staff

Kelli Frost, and Earl Rowell

#### Public

Rusty Post, Washington Department of Ecology; and Virginia VanBreemen

### *Introduction:*

The members of the Clark County Clean Water Commission, Clark County staff, and public were introduced. Chair, Commissioner Kemper, then called the meeting to order.

Mr. Kemper: I just signed two letters on behalf of the Clark County Clean Water Commission stating that this Commission is in favor of providing matching funds for the two Centennial Grant applications submitted to Washington Department of Ecology, by Clark County staff.

Mr. Rowell described the two grants: The Watershed Characterization Grant will allow Clark County staff to collect information at various watersheds in unincorporated Clark County. It will be a joint 50/50 cost sharing effort with the Lower Columbia Fish Recovery Board. This grant is asking for a total of \$320,000, in which the Washington Department of Ecology would fund \$240,000. The remaining \$80,000 would be funded through the Clark County Clean Water Program.

Mr. Ek: Why isn't it identified why the Clark County Clean Water Commission is interested in a Watershed characterization grant? It doesn't mention anything about stormwater or compliance with the NPDES permit.

Mr. Bourlet: It does mention the NPDES permit.

Mr. Rowell: The Monitoring Coordination grant, will look into bringing the county, citizens, students and agencies together in a coordinated fashion regarding water monitoring. The idea would be to have one resource center that can be used by a variety of organizations, and maintained by county staff.

Mr. Bourlet: I'm concerned that there is already information out there, and no one knows what to do with so it sits in a file cabinet.

Mr. Rowell: The goal would be to take that information and put it into a database and share it with other interested parties.

Mr. Rowell: One point I would like to make is that Washington Department of Ecology is not just getting the four pages that are included in your packet. There were many pages, which go into greater detail, sent with each grant application. There are copies available for your review.

Mr. Ek: We have an obligation on this Commission to read those documents before they go out. Commitments are being made on behalf of the County staff, and we do not know what they are proposing.

Mr. Kemper: The timing for this grant application did not allow for a longer review period.

*Agenda and material review:*

Mr. Rowell reviewed the packet of materials for tonight's meeting:  
Clark County Clean Water Commission Agenda, March 7, 2001;  
Clark County clean Water Commission meeting notes, February 21, 2001;  
FYI Online, February 26, 2001;  
Clark County Public Information and Outreach news release February 22, 2001;  
Science Daily.com news article;  
Copy of Centennial Clean Water Fund Grant, Watershed Characterization for Clark County/LCFRB;  
Copy of Centennial Clean Water Fund Grant, Monitoring Coordination and Resource Program;  
Copy of letters of commitment to Washington Department of Ecology from Clark County Clean Water Commissioners;  
Preliminary Rough Draft, Clark County Clean Water Program, Annual Report 2000;  
City of Vancouver, News Release dated February 20, 2001;  
Clark County Clean Water Fund 13<sup>th</sup> month budget report; and  
Clark County Staff Report to BOCC to request facilitation services.

*Updates/Communications from the public/media/agencies:*

Mr. Kemper read aloud the news release from the Public Information Office dated, February 22, 2001, entitled Students teach Clean Water Commission about water quality monitoring.

Mr. Bourlet: I would like to make a correction to the news release, it is not the Washington Department of Ecology's data they are using to test. The data was developed by SWRP (Student Watershed Research Project).

Mrs. Rasmussen: I have been looking for an article in the newspaper but I haven't seen one yet.

Mr. Rowell: My understanding is that Channel 12 KPTV and a photographer from the Columbian went out and took videos and photos. It was on the news that night or soon after, it may have also shown on Channel 6 KOIN.

Mr. Ek: Did your office develop the press release?

Mr. Rowell: The Public Information Office develops press releases.

Mrs. Rasmussen: I called the Columbian and the Oregonian to try and get coverage, but the Columbian told me that on Saturday's it was hard to get a reporter to cover student activities. I did not get a response from the Oregonian.

Mr. Bourlet: I would prefer to emphasize water-testing and the clean water issue rather than students. The students happen to be doing the testing, but the main point is testing the water.

Mr. Ek: The County is noticeable by its absence, there is no reference in this article about the County being able to use any of the data that is being collected. The whole thrust is the students doing the teaching, which it makes it, a human-interest issue rather than a clean water issue. I was surprised that the press release went out in this format.

*02/21/01 meeting notes:*

The notes for the Clark County Clean Water Commission meeting held, Wednesday, February 21, 2001 were approved as written.

### **Group Discussion**

Mr. Bourlet: As Commission members we need to say, "For the record" when making a statement that we want to appear in the minutes.

Mr. Bourlet: "For the record; I have said on numerous meetings and it's only been reported in two minutes, that I don't care about what the NPDES permit says. I care about clean water, and the reason I say that is this: the state wrote the document, the County had to write to agree to add/subtract to it, they went to a Federal judge and he said OK. The officer of the court that brought the lawsuit said OK and away we went. What I care about is clean water; the NPDES does not necessarily care about clean water. My concern is I care about Clean Water whether the NPDES addresses that issue or not, I still care about clean water."

Mr. Stubbs: I received a flyer from Citizens for a better Clark County, it stated that Mr. Karpinski is planning to file another lawsuit against Clark County because the County hasn't complied with every aspect of the NPDES permit. Has there been any discussion on this new lawsuit?

Mr. Rowell: A lawsuit was filed against Clark County stating that the portion of the permit that relates to development and land use activity is not equal to the Puget Sound manual. Much of the verbiage in Clark County code is equivalent to the Puget Sound manual, but some of it is more stringent. Overall, the thrust of the lawsuit states that if it doesn't read like the Puget Sound manual it's not equivalent to the Puget Sound manual. Our argument is you don't have to say exactly the same thing to be equivalent.

Mr. Bourlet: Are we saying right now that we meet the requirements?

Mr. Rowell: Yes.

Mr. Bourlet: The lawsuit that he's filing is going to cost us money. If we win can we get our money back?

Mr. Stubbs: No.

Mr. Bourlet: Will you be keeping a record of what the expenses are to fight this lawsuit and include them as a budget line item?

Mr. Rowell: We can look into that.

Mr. Steinke: "For the record; I think what Mr. Karpinski has done is good, because without him we would have been dragging our feet at cleaning up the water, and we were. He is essentially doing our job by looking at the permit and saying are we complying or not. I don't find any problem with this that is why we are here, because of him.

Mrs. Rasmussen: I find a problem in the fact that he didn't come here and address this Commission with these concerns. Instead, he immediately filed litigation.

Mr. Steinke read information on the Shorelines Management Act, and made a motion for consideration.

**Motion: 2001-0307-03 Proposal for the Clean Water Commissioners to take a position on shoreline protection and notify our legislators and County Commissioners of our position.**

~~Motion tabled~~ Motion withdrawn

Mr. Kemper: I believe that as the Clean Water Commission we are in favor of those particular items that would keep our water clean and protect our resources.

Mr. Ek: I think we all ought to explain our position on this. I'm against the shorelines proposal as it was written. I think it's another land grab and another way for Mr. Karpinski and company to get into our pockets. We have to look at this from the landowners and the tax payers perspective. Clark County has gone on record as being against the Shorelines proposal as submitted and I'm not, as a Commission member, going to go against what Clark County has proposed.

Mrs. Rasmussen: I'm in agreement with Mr. Ek. I feel like the interests of the private property owners have to be acknowledged. *Mr. Steinke has good intentions but I feel like there is a segment of our society that's being segregated out in these buffer zones and I believe that any kind of segregation is wrong.*

Mr. Bourlet: I own property in the County, I also represent people who own property in the county. Right now you are telling me that I can't do anything within 200 feet of a creek, but the golf course can go within 10 feet of a creek. That is not logical.

**Motion: 2001-0307-04 We ask the Clark County legislatures to protect adequate natural areas along our shorelines, furthermore when in doubt, we as ask you to error on the side of the resource.**

*Commissioners: Mr. Kemper, Mr. Bourlet, Mr. Ek, and Mrs. Rasmussen – voted against this motion.*

*Commissioner: Mr. Steinke – voted for this motion.*

*Commissioner: Mr. Stubbs – abstained.*

*Rusty Post, WDOE:*

Mr. Rowell introduced Mr. Post from the Washington Department of Ecology, Vancouver branch.

Mr. Post described his responsibilities with the Washington Department of Ecology, which includes enforcing the Clean Water Act in the five Southwest Washington Counties.

Mr. Bourlet: Have you tested any of the outfalls in Clark County?

Mr. Post: No.

Mr. Bourlet: If this is such a big issue, why hasn't DOE tested them? I understand that DOE are the only ones in the state of Washington to do the testing.

Mr. Post: We have no funds for it.

Mr. Post: The idea of the water monitoring grant is to try and combine efforts of various organizations and develop one monitoring resource center. A place where we can check out monitoring equipment, develop protocol, criteria, get support, training and have a pool of people who are trained to a level where the data they are collecting is consistent and utilized.

Mr. Bourlet: There is somebody doing this today and has been successful, it's called SWRP. Why don't we take their data and multiply it throughout Clark County. I don't want you taking the taxpayers money to build another lab.

Mr. Ek: What is the grant proposal, from a practical standpoint?

Mr. Post: Basically it is to hire a staff person to run the resource monitoring center, and the purchase of equipment to do the monitoring, the maintenance of the equipment, logging data and making it accessible. Mr. Swanson and Mr. Rowell can better answer that question, they wrote the grant proposal.

Mr. Stubbs: When all this data is collected and all these programs are coordinated what good will it do this Commission?

Mr. Rowell: It will provide this Commission, staff and citizens an opportunity to know where the "hot spots" are in Clark County, areas which we can focus our attention.

*Budget review:*

Mr. Rowell reviewed the thirteenth month budget report with the Clean Water Commissioners. The carry over amount from the year 2000, which can be utilized as a capital expense or incentives, is \$812,000.

Mr. Stubbs: "For the record; I would like to thank Earl and Kelli for collating and putting together the agenda for us, I really appreciate the numbering system."

Mr. Kemper: I would like all Commissioners to work on these issues, which we didn't address tonight, for next meeting.

- ◆ Modifications to the Ordinance; and
- ◆ Rough draft annual report to the Board of County Commissioners.

## Looking Ahead

3/21/01 – Report from Mrs. Rasmussen and Mr. Bourlet on water testing with SWRP.

3/21/01 - Incentives

April - Quarterly report to Board of County Commissioners.

## Adjourn

### *Adjourn:*

Commissioner Kemper adjourned the meeting at 8:30 p.m.

### *Next Meeting:*

The next meeting is Wednesday, March 21, 2001 at Clark County Public Works Operations Department Conference Room, 6:00 – 8:30 p.m., 4700 NE 78<sup>th</sup> Street, Vancouver, Washington.

## Motions to date – year 2001

Motion 2001-0117-01: The Clean Water Commission shall establish an ad hoc committee to develop a scope and submit a request that a facilitator be hired to assist the Clean Water Commission in developing an incentive plan and other tasks as determined by the Clean Water Commission.

*Motion passes*

Motion 2001-0207-02: To accept Mr. Vaughn Brown's proposal with the following modifications to the Process Outline:

Process III. Develop Incentive Program Recommendation will be changed to Number 1.

Process I. Confirm and Define Clark County Clean Water Program Goals will be changed to Number 2, and completed in one meeting.

Process II. Create Evaluation Criteria and Assessment Format will be changed to Number 3.

Process IV. Compile Annual Report Information will continue to stay as Number 4.

*Motion passes*

Motion 2001-0307-03: Proposal for the Clean Water Commissioners to take a position on shoreline protection and notify our legislators and County Commissioners of our position.

~~*Motion tabled*~~ *Motion withdrawn*

Motion 2001-0307-04: We ask the Clark County legislatures to protect adequate natural areas along our shorelines, furthermore when in doubt, we as ask you to error on the side of the resource.

*Motion failed*